

**COPY**

Attorney Docket No. **9003-280US**  
from parent Application No. **09/585,146** (PC 98 556 H US)

**DECLARATION AND POWER OF ATTORNEY**  
(Related Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD FOR EXAMINATION OF A SURFACE LAYER**

the specification of which is attached hereto and/or was filed on June 1, 2000  
as Application No. 09/585,146.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**FOREIGN PRIORITY APPLICATION(S)**

197 53 790.1  
(Number)

Germany  
(Country)

4 December 1997  
(Day/month/year filed)

**Priority Claimed**  
☒ Yes ☐ No

(Number)

(Country)

(Day/month/year field)

**Priority Claimed**  
☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional patent application(s) listed below and have also identified below any

United States provisional patent application(s) having a filing date before that of the application on which priority is claimed.

**PROVISIONAL PRIORITY PATENT APPLICATION**

**Priority Claimed**

<hr/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Filing Date)	
<hr/>		<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Filing Date)	

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or in the prior U.S. provisional application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>PCT/EP98/07597</u>	<u>25 November 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)--(patented, pending, abandoned)
<hr/>		
(Application Serial No.)	(Filing Date)	(Status)--(patented, pending, abandoned)

And I hereby appoint the registered attorneys and agents associated with **AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**, Customer No. 000570, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to **Customer No. 000570, namely, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**, One Commerce Square, 2005 Market Street, Suite 2200, Philadelphia, Pennsylvania 19103. Please direct all communications and telephone calls to **William W. Schwarze** at (215) 965-1270.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole

inventor, if any Bernhard Wolf

☒ Inventor's Signature

Bernhard Wolf

☒ Date

10-08-2000

Residence

Stegen, Germany

Citizenship

German

Post Office Address

Andresstrasse 12, D-79252 Stegen,

Germany

Full name of second joint

inventor, if any Hans-Jürgen Gahle

☒ Inventor's Signature

H. J. Gahle

☒ Date

2.8.00

Residence

Emmendingen, Germany

Citizenship

German

Post Office Address

Panoramastrasse 13, D-79312 Emmendingen,

Germany

Full name of third joint

inventor, if any Günter Igel

☒ Inventor's Signature

G. Igel on behalf of G. Igel

☒ Date

12.10.00

Residence

Teningen, Germany

Citizenship

German

Post Office Address

Scharnhorst-Strasse 32, D-97331 Teningen,

Germany

Full name of fourth  
inventor, if any

**Werner Baumann**

☒ Inventor's Signature

☒ Date

Residence

Citizenship

Post Office Address

Full name of fifth joint  
inventor, if any

**Ralf Ebret**

☒ Inventor's Signature

☒ Date

Residence

Citizenship

Post Office Address

Full name of sixth joint  
inventor, if any

**Mirko Lehmann**

☒ Inventor's Signature

☒ Date

Residence

Citizenship

Post Office Address

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C., 20231, on the date indicated below.

BY: Shelia Cogan

DATE: October 17, 2000

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of Bernhard Wolf <i>et al.</i>	: Group Art Unit: 2876 : :
Appln. No.:	09/585,146	: Examiner: Not Yet Assigned : :
Filed:	June 1, 2000	: : :
For:	METHOD FOR EXAMINATION OF A SURFACE LAYER	: Attorney Docket : No. 9003-280US : (PC 98 556 H US)

**DECLARATION OF BRUNHILDE M. VANDREY IN SUPPORT OF  
PETITION UNDER 37 C.F.R. 1.47(a)**

I, Brunhilde M. Vandrey, declare and state as follows:

1. I am employed by the German firm of patent attorneys and attorneys at law Schmitt, Maucher & Börjes in Freiburg, Germany. I am in charge of monitoring the deadlines for patent files in the office of Schmitt, Maucher & Börjes.

2. Our client Micronas GmbH, the assignee of the above invention, has asked us to entrust our U.S. colleagues Akin, Gump, Strauss, Hauer & Feld, L.L.P. in Philadelphia with filing and prosecuting the U.S. counterpart of International Patent Application No. PCT/EP98/07597 (International Publication No. WO 99/30130). The above U.S. application with formal documents for signature was sent to us by Mr. Schwarze by DHL on May 22, 2000, and we promptly forwarded these documents to Micronas for signature by the inventors.

3. On July 27, 2000 and August 2, 2000, I had telephone conversations with Mrs. Mechthild Schneider who is in charge of this case at Micronas GmbH. Mrs. Schneider informed me that Micronas was having difficulties with obtaining the signature from one of the inventors, Mr. Günter Igel, for the Declaration and Power of Attorney as well as for the

Assignment for the above-indicated patent application. I requested Mrs. Schneider to send me copies of her correspondence with Mr. Igel sending him the above application documents for signature.

4. Attached hereto as Exhibit A is a copy of a registered mail letter dated May 31, 2000 from Mr. Wolfgang Sauer in the patent department of Micronas addressed to Mr. Igel at his last known address. Attached hereto as Exhibit A1 is an English translation of the May 31 letter of Exhibit A. Note that the application is referred to as the National Phase of the PCT application which is given by its publication number [WO] 99/30130, which corresponds to International Application PCT/EP98/07597. Also, the title of the application given in the letter is different because Micronas uses short titles for their patent applications to enable them to clearly identify the members of a patent family, despite the fact that the titles of the invention are sometimes different in different countries. I confirm that the title given in the heading of the May 31 letter of Exhibit A is the title which we use in our correspondence with Micronas, and the file number of our firm corresponds to our file number for the above-identified U.S. patent application, namely PC 98 556 H US, which is the same reference number which appears in all of the correspondence of Akin, Gump, Strauss, Hauer & Feld with the U.S. Patent Office.

5. Attached hereto as Exhibit B is the Post Office receipt from the German Post for registered mail which was sent by Micronas on May 31, 2000. The receipt confirms that the letter of May 31, 2000 addressed to Mr. Günter Igel was sent by registered mail on May 31, 2000. Attached hereto as Exhibit B1 is an English translation of the Post Office receipt from the German Post. Mrs. Schneider has confirmed that no signed documents were received from Mr. Igel in response to the May 31, 2000 registered mail letter.

6. Attached hereto as Exhibit C is a printout of an e-mail which Mrs. Schneider sent to Mr. Igel on July 31, 2000 following my telephone conversation with her on July 27. In the e-mail of Exhibit C, Mrs. Schneider refers to the letter of May 31 (Exhibit A), and the need to have the application documents signed and returned as soon as possible. Attached hereto as Exhibit C1 is an English translation of the e-mail of July 31 from Mrs. Schneider to Mr. Igel. In our telephone conversation of August 2, 2000, Mrs. Schneider informed me that she had still not received any response from Mr. Igel to either the letter of May 31, 2000 (Exhibit A) or the e-mail of July 31, 2000 (Exhibit C). Mrs. Schneider told me that I may contact Mr. Igel directly.

7. On August 24, 2000, I telephoned Mr. Igel and explained to him that we need the signed documents for filing of the above application of Micronas GmbH in the United States. I asked him to sign and return the application documents promptly. Mr. Igel replied that he is not ready to sign any documents for patent applications of Micronas GmbH, at least not for the time being.

8. Based upon the above facts, it is my opinion that Mr. Igel refuses to sign the Declaration and Power of Attorney which are due to be filed by October 17, 2000 in response to the Notice of Missing Parts. Accordingly, we have asked one of the other inventors to sign the Declaration and Power of Attorney on behalf of Mr. Igel. Mr. Igel is obligated by his employment agreement with Micronas GmbH to assign the above-identified patent application to Micronas and to sign all necessary documents in support of that patent application. However, Mr. Igel has left the employment of Micronas GmbH and is therefore unwilling to cooperate as he has previously agreed to.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: October 12, 2000

  
BRUNHILDE M. VANDREY

**COPY** from parent Application No. 09/585,146

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY: Sheila Cogan

DATE: October 17, 2000

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of Bernhard Wolf <i>et al.</i>	: Group Art Unit: 2876 : :
Appln. No.:	09/585,146	: Examiner: Not Yet Assigned : :
Filed:	June 1, 2000	: Attorney Docket : :
For:	METHOD FOR EXAMINATION OF A SURFACE LAYER	: No. 9003-280US : (PC 98 556 H US)

**PETITION UNDER 37 C.F.R. § 1.47(a) TO ACCEPT DECLARATION ON BEHALF OF  
INVENTOR WHO REFUSES TO SIGN**

Applicants hereby petition under 37 C.F.R. § 1.47(a) to accept the signed Declaration and Power of Attorney of the remaining inventors besides Günter Igel who refuses to sign the Declaration. Submitted herewith in support of the Petition are the following:

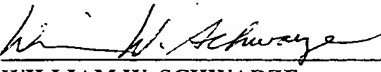
1. A Declaration of Brunhilde M. Vandrey in Support of Petition under 37 C.F.R. 1.47(a), setting forth the proof of pertinent facts relating to the refusal of Günter Igel to sign the Declaration;
2. A Declaration and Power of Attorney (submitted with the accompanying Response to Notice to File Missing Parts), signed by all of the inventors and applicants of the above application, except that the Declaration is signed by Hans-Jürgen Gahle, one of the inventors and applicants, on behalf of Günter Igel; and
3. Our firm's check in the amount of \$130.00 to cover the Petition fee under 37 C.F.R. § 1.17(i).

As set forth in the Declaration of Brunhilde M. Vandrey, the last known address of Günter Igel is set forth in the signed Declaration and Power of Attorney, as well as the correspondence (Exhibit A) attached to the Declaration of Mrs. Vandrey.

Although Mr. Igel may eventually be persuaded to join in the above application, as he is required by agreement with the Assignee to do so, this Petition is being filed and the application is being made by the other inventors on behalf of themselves and the non-signing inventor, because of the time running to respond to the Notice to File Missing Parts, and so as not to jeopardize the filing date or any other rights of the inventors and Assignee in the present application. Accordingly, grant of this Petition and further processing of the application are respectfully requested.

Respectfully submitted,  
**BERNHARD WOLF, ET AL.**

October 17, 2000  
(Date)

By:   
**WILLIAM W. SCHWARZE**  
Registration No. 25,918  
**AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**  
One Commerce Square  
2005 Market Street - Suite 2200  
Philadelphia, PA 19103-7086  
Telephone: (215) 965-1200  
**Direct Dial: (215) 965-1270**  
Facsimile: (215) 965-1210  
E-Mail: wschwarze@akingump.com

WWS:sc

Enclosure: Declaration of Brunhilde M. Vandrey with attached Exhibits A through C1



UNITED STATES PATENT AND TRADEMARK OFFICE

*WWS*  
**COPY** from parent Application No. 09/585,146  
DEC 29 2000

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 6

**COPY MAILED**

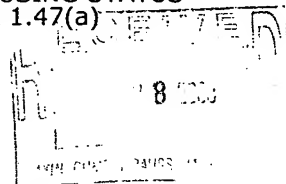
DEC 22 2000

OFFICE OF PETITIONS  
A/C PATENTS

AKIN GUMP STRAUSS HAUER & FELD, LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 220  
PHILADELPHIA, PA 19103

In re Application of  
Wolf, Gahle, Igel, Baumann, Ehret  
and Lehmann  
Application No. 09/585,146  
Filed: June 1, 2000  
Attorney Docket No. 9003-280US  
For: Method for Examination of a  
Surface Layer

DECISION REFUSING STATUS  
UNDER 37 CFR 1.47(a)



This is in response to the petition under 37 CFR 1.47(a), filed  
October 19, 2000 (certificate of mailing October 17, 2000).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 1, 2000, without an executed oath or declaration and naming Wolf, Gahle, Igel, Baumann, Ehret and Lehmann as a joint inventors. Accordingly, on August 17, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on October 19, 2000 (certificate of mailing October 17, 2000), applicant filed the present petition, a Declaration and Power of Attorney, the requisite fees and the Declaration of Brunhilde M. Vandrey.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in

DEADLINE: 2/22/01

compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (2) as set forth above.

As to item (1), it is unclear if inventor Igel has refused to sign the declaration. Applicant's petition states: "Although Mr. Igel may eventually be persuaded to join in the above application, as he is required by agreement with the Assignee to do so, this Petition is being filed and the application is being made by the other inventors on behalf of themselves and the non-signing inventor, because of the time running to respond to the Notice to File Missing Parts, and so as not to jeopardize the filing date or any other rights of the inventors and Assignee in the present application." *Petition dated 10/17/00, p. 2.* Furthermore, in her declaration, Mrs. Vandrey asserted that she contacted Igel by telephone and asked him to sign and return the application documents promptly. Mrs. Vandrey stated that Igel replied that "he is not ready to sign any documents for patent applications of Micronas GmbH, at least not for the time being." *Declaration of Mrs. Vandrey dated 10/12/00, p. 3.* In view of the above, applicant has failed to show that the inventor has refused to sign the declaration. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events. Therefore, in any request for reconsideration applicant should submit a declaration from Mrs. Mechthild Schneider, as well as a statement attesting to the fact that the English translation is a true and accurate translation of the documents submitted with the petition.

As to item (2), only joint inventor Gahle signed the declaration on behalf of the non-signing inventor. Pursuant to 35 USC 116, all of the available joint inventors must make an oath or declaration for the patent application on their own behalf as required by 37 CFR 1.63, as well as make an oath or declaration on behalf of the nonsigning joint inventor in compliance with 37 CFR 1.64. "An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated." MPEP 409.03. Accordingly, a new declaration in compliance with 37 CFR 1.63 and 1.64 signed by all of the available joint inventors on behalf of themselves and the nonsigning inventor is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries related to this decision may be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.

A handwritten signature in black ink, appearing to read 'B. M. Flanagan', followed by a horizontal line and the word 'For'.

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

**COPY** from parent Application No. 09/585,146

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY: C. Rettinger

DATE: 3/22/01

**PATENT  
Box DAC**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of Bernhard Wolf <i>et al.</i>	: Office of Petitions : :
Appln. No.:	09/585,146	: Petitions Attorney: Christina T. Tartera : :
Filed:	June 1, 2000	: Attorney Docket : :
For:	METHOD FOR EXAMINATION OF A SURFACE LAYER	: No. 9003-280US : (PC 98 556 H US)

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a) TO  
ACCEPT DECLARATION ON BEHALF OF INVENTOR WHO REFUSES TO SIGN**

In response to the Decision dated December 22, 2000 (Paper No. 6), Applicants hereby request reconsideration of the Petition under 37 C.F.R. § 1.47(a), filed October 19, 2000, to accept the signed Declaration and Power of Attorney of the remaining inventors besides Günter Igel who refuses to sign the Declaration. In compliance with the Decision Refusing Status Under 37 C.F.R. 1.47(a), submitted herewith in support of the Request are the following:

1. A Declaration of Leonore Hornig in Support of Request for Reconsideration of Petition under 37 C.F.R. 1.47(a), setting forth the proof of pertinent facts relating to the refusal of Günter Igel to sign the Declaration;
2. A Declaration and Power of Attorney, signed by all of the inventors and applicants of the above application, except that the signature block for Günter Igel, the non-signing inventor, is left blank, in accordance with M.P.E.P. 409.03(a); and
3. A Petition for Extension of Time (one month) and our firm's check in the amount of \$110.00 to cover the extension of time fee under 37 C.F.R. § 1.136 (a).

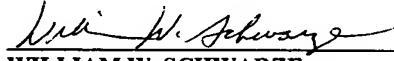
As set forth in the Declaration of Leonore Hornig, an employee in charge of patent affairs at Micronas GmbH, the assignee of the above application, the sequence of events set forth in the Petition filed October 19, 2000 are correct to the best of her knowledge.

Furthermore, Leonore Hornig contacted Mr. Igel again by telephone on January 31, 2001, and was told by Mr. Igel that he will not sign the Declaration and Power of Attorney documents because there are still matters of contention between him and Micronas. Therefore, it is the conclusion of Ms. Hornig and of applicants that Mr. Igel refuses to sign the Declaration and Power of Attorney documents. Grant of this Request for Reconsideration is respectfully requested so as not to jeopardize the filing date or any other rights of the inventors and Assignee in the present application.

Finally, the undersigned declares that he is conversant in both the German and English languages, and that the English translation documents (Exhibits A1, B1 and C1) attached to the Declaration of Brunhilde M. Vandrey submitted with the original Petition were made by him and are true and accurate translations of the respective German documents (Exhibits A, B and C).

Respectfully submitted,  
**BERNHARD WOLF, ET AL.**

March 22, 2001  
(Date)

By:   
**WILLIAM W. SCHWARZE**  
Registration No. 25,918  
**AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**  
One Commerce Square  
2005 Market Street - Suite 2200  
Philadelphia, PA 19103-7086  
Telephone: (215) 965-1200  
**Direct Dial: (215) 965-1270**  
Facsimile: (215) 965-1210  
E-Mail: [wswarze@akingump.com](mailto:wswarze@akingump.com)

SMK/WWS:smk

Enclosures: Declaration of Leonore Hornig, signed Declaration and Power of Attorney

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C., 20231, on the date indicated below.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**PATENT**  
**Box DAC**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of : Office of Petitions  
Bernhard Wolf *et al.* :  
Appln. No.: 09/585,146 : Petitions Attorney: Christina T. Tartera  
Filed: June 1, 2000 :  
For: METHOD FOR EXAMINATION : Attorney Docket  
OF A SURFACE LAYER : No. 9063-288US  
: (PC 98 556 H US)

**DECLARATION OF LEONORE HORNIG IN SUPPORT OF REQUEST FOR  
RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a)**

I, Leonore Hornig, declare and state as follows:

1. I am employed by the German company of Micronas GmbH ("Micronas"), the assignee of the above application. I am in charge of patent affairs at Micronas.
2. I have reviewed the Declaration of Brunhilde M. Vandrey In Support of Petition Under 37 C.F.R. 1.47(a) ("The Vandrey Declaration"), which was filed with the United States Patent and Trademark Office on October 19, 2000. To the best of my knowledge, the facts stated therein outlining the sequence of events from July 27, 2000 until August 24, 2000 regarding communications with Mr. Günter Igel are correct.
3. In particular, as described in paragraph 4 of the Vandrey Declaration, the registered mail letter dated May 31, 2000 (31.05.2000) to Mr. Igel was sent by Mr. Wolfgang Sauer of the patent department at Micronas at my request with a copy of the above application and Declaration and Power of Attorney and Assignment forms for signature. This letter requested that Mr. Igel sign and return the Declaration and Power of Attorney document for the above-identified

U.S. Patent Application. Furthermore, as described in paragraph 6 of the Vandrey Declaration, the e-mail message of Mrs. Mechthild Schneider of the patent department at Micronas was sent to Mr. Igel at my direction. In this message, Mrs. Schneider requested that Mr. Igel sign and return the application documents.

4. On January 31, 2001, I personally telephoned Mr. Igel and again asked him to sign the documents for the above-identified U.S. Patent Application. Mr. Igel replied that he will not sign the documents, since there are still several matters of contention between him and Micronas. It is uncertain when these matters will be resolved.

5. Based upon the above facts, it is my opinion that Mr. Igel refuses to sign the Declaration and Power of Attorney for the above-identified U.S. Patent Application. Accordingly, the signature block for Mr. Igel on the Declaration and Power of Attorney has been left blank.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 03/22/2001

Leonore Hornig  
LEONORE HORNIG

Attorney Docket No. 10051-4U1  
(M'C115US-DIV)

**DECLARATION AND POWER OF ATTORNEY**  
(Related Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD FOR EXAMINATION OF A SURFACE LAYER**

the specification of which is attached hereto and/or was filed on June 1, 2000  
as Application No. 09/585,146.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**FOREIGN PRIORITY APPLICATION(S)**

<u>197 53 790.1</u>	<u>Germany</u>	<u>4 December 1997</u>	<b><u>Priority Claimed</u></b>
(Number)	(Country)	(Day/month/year filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>                    </u>	<u>                    </u>	<u>                    </u>	<b><u>Priority Claimed</u></b>
(Number)	(Country)	(Day/month/year filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional patent application(s) listed below and have also identified below any

United States provisional patent application(s) having a filing date before that of the application on which priority is claimed.

**PROVISIONAL PRIORITY PATENT APPLICATION**

**Priority Claimed**

		<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Filing Date)	
		<input type="checkbox"/> Yes <input type="checkbox"/> No
(Application No.)	(Filing Date)	

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or in the prior U.S. provisional application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/EP98/07597	25 November 1998	Pending
(Application Serial No.)	(Filing Date)	(Status)--(patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status)--(patented, pending, abandoned)

And I hereby appoint the registered attorneys and agents associated with **AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**, Customer No. 000570, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to **Customer No. 000570, namely, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**, One Commerce Square, 2005 Market Street, Suite 2200, Philadelphia, Pennsylvania 19103. Please direct all communications and telephone calls to **William W. Schwarze** at (215) 965-1270.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole

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Inventor's Signature

Bernhard Wolf

Date

10-08-2011

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Inventor's Signature

H. J. Gahle

Date

2.8.00

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Full name of third joint

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Inventor's Signature

Date

Residence

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Citizenship

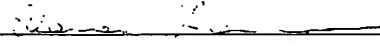
German

Post Office Address

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Full name of fourth  
inventor, if any Werner Baumann

Inventor's Signature 

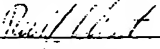
Date 1.8.20

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Citizenship German

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Full name of fifth joint  
inventor, if any Ralf Ehret

Inventor's Signature 

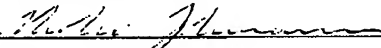
Date 16.08.2020

Residence Merdingen, Germany

Citizenship German

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Full name of sixth joint  
inventor, if any Mirko Lehmann

Inventor's Signature 

Date 2.05.20

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Citizenship German

Post Office Address Friesenstrasse 10, D-79117 Freiburg,  
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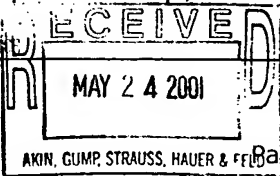
WWS



**COPY**

UNITED STATES PATENT AND TRADEMARK OFFICE

from parent Application No. 09/585,146



9003-280

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 10

AKIN GUMP STRAUSS HAUER & FELD, LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 220  
PHILADELPHIA, PA 19103

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**MAY 21 2001**

In re Application of  
Wolf, Gahle, Igel, Baumann, Ehret  
and Lehmann  
Application No. 09/585,146  
Filed: June 1, 2000  
Attorney Docket No. 9003-280US  
For: Method for Examination of a  
Surface Layer

OFFICE OF PETITIONS  
A/C PATENTS

DECISION GRANTING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 26, 2001 (certificate of mailing March 22, 2001). Petitioner obtained a one (1) month extension of time to respond pursuant to 37 CFR 1.136(a). Accordingly, the renewed petition is timely filed.

The petition is **granted**.

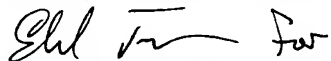
Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Leonore Hornig established that the inventor was presented with the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Mr. Gunter Igel  
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D-79331 Teningen  
Germany

**AIR MAIL**

**COPY MAILED**

In re Application of  
Wolf, Gahle, Igel, Baumann, Ehret  
and Lehmann  
Application No. 09/585,146  
Filed: June 1, 2000  
Attorney Docket No. 9003-280US  
For: Method for Examination of a  
Surface Layer

**MAY 21 2001**  
**LETTER** **OFFICE OF PETITIONS**  
**A/C PATENTS**

Dear Mr. Igel:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

*Beverly M. Flanagan* for

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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PHILADELPHIA, PA 19103